

June 4, 2004

APS-207

*mmB* UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 03-4864

GABRIEL I. PITTMAN, Appellant

vs.

KENNETH D. KYLER; ET AL.

(E.D. PA. CIV. NO. 02-CV-02825)

**FILED**

*[Signature]*  
MICHAEL M. KUNZ, Clerk

By *[Signature]* Dep. Clerk

Present: SLOVITER, ROTH AND AMBRO, CIRCUIT JUDGES

Submitted is Appellant's application for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/JDM/arl

ORDER

The foregoing request for a certificate of appealability is denied, as Appellant has not made a "substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2); see Miller-el v. Cockrell, 537 U.S. 322, 336-37 (2003). In particular, jurists of reason could not debate that the District Court properly denied relief on the merits of Appellant's claims for essentially the reasons explained in its November 26, 2003, Memorandum Opinion.

A True Copy:

*Marcia M. Waldron*

Marcia M. Waldron,  
Clerk

By the Court,

/s/ Thomas L. Ambro,

Circuit Judge

Dated: July 16, 2004

ARL/cc: GIP; JLR